

HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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W.P.No.3116 of 2000

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Dated 2nd day of July, 2007

Between:

K.Jagannadham (died)
and three others

.. Petitioners

And

Visakhapatnam Municipal
Corporation, rep. by its Commissioner,
Visakhapatnam
and another

.. Respondents

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ORDER:

This writ petition is filed seeking a direction to the respondents to pay the amount of compensation together with interest and also provide alternative houses to the petitioners.

The petitioners assert that they are the absolute owners of the land admeasuring 542 square yards in Ward No.14 D.No.3-14-42, Main Road, Alipuram, Visakhapatnam. Originally, the father of the 1st petitioner purchased the land in question in the year 1914. Thereafter, the

1st petitioner constructed a room and varandah therein and the members of his family are in possession and enjoyment of it. Now, the petitioners' grievance is that the respondents acquired their land under A.P. Slum Improvement (Acquisition of Land) Act, 1956 (for brevity "the Act"), and when the petitioners made a representation along with others whose lands were also acquired, the respondents considered others' representation, but did not consider their representation nor even paid any compensation to them.

The 1st respondent-Municipal Corporation, has filed counter affidavit stating that the land covered by T.S.Nos.114/7 and 1115, Block Nos.33 and 34 of Allipuram Ward, Visakhapatnam was declared as "NARAHARIDODDI SLUM" and a notification to that effect was also published in the Gazette on 27.3.1981. The Government, after hearing the objections from the owners of the land and interested persons, acquired the land. Thus, the title of the land in question which is free from all encumbrances as contemplated under Section 3(3) of the Act, is vested with the Government with effect from 27.3.1981. Further, it is stated that the prescribed authority is the 2nd respondent-Revenue Divisional Officer who has to determine the quantum of compensation and pass an award as per the provisions of Act. The 1st respondent requested the 2nd respondent to initiate necessary proceedings and pay compensation, and the 2nd respondent is yet to pass the award.

In spite of the fact that the 2nd respondent was served with a notice, he has not filed any counter affidavit.

Heard the learned counsel for both the parties and perused the material placed on record.

As the law is clear and the petitioners are also entitled to compensation as contemplated under the provisions of the Act and the compensation is yet to be determined, the 2nd respondent is hereby directed to finalize the amount and pass an award fixing the compensation forthwith.

In the result, the writ petition is allowed. No costs.

02.07.2007

bcj